

Wadhwa

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 523 OF 2024**

Shree Balaji Developers

...Petitioner

Versus

Nashik Municipal Corporation

...Respondents

**Mr Mayur Khandeparkar, i/b Ajinkya Jaibhave, for the Petitioner.
Mr ML Patil, i/b Chaitrali Deshmukh for the Respondent.**

**CORAM G.S. Patel &
 Kamal Khata, JJ.
DATED: 29th January 2024**

PC:-

1. **Rule.** Returnable forthwith.

2. The Petition assails a stop work notice dated 22nd December 2022 at page 190. That was issued at the instance of occupants or owners of an adjacent property. The Petitioner's construction has come up to the 4th floor. No notice was issued to the Petitioner, and no hearing was afforded to the Petitioner before the stop work notice was issued. It is submitted that after the stop work notice, the Petitioner has been asked to submit an explanation. That is not good enough. The stop work notice has immediate consequences. The

Petitioner ought to have been heard before a stop work notice was issued. The Corporation could not have acted unilaterally on the complaint of someone else.

3. The impugned notice is quashed and set aside. The Petition is allowed in terms of prayer clause (a) which reads as follows:

“(a) This Hon’ble Court may be pleased to quash and set-aside the stop work notice dated 22/12/2023 bearing No. JAVAK NO / NANAVI/ VASHI/ 102 issued by Respondent No. 2 with respect to the ongoing construction on Survey No. 753/3/5+6+7 having CTS No. 7339/A/5+6+7.”

4. The Nashik Municipal Corporation will grant a hearing to the Petitioner on the complaint it has received. The Petitioner is to be given an adequate opportunity of placing the relevant material before the authority and an opportunity of being heard before any stop work order is passed. We have expressed no opinion on the merits of the matter.

5. The Petition is disposed of in these terms.

(Kamal Khata, J)

(G. S. Patel, J)